

HOUSE BILL 855

By Leatherwood

AN ACT to amend Tennessee Code Annotated, Title 36
and Title 37, relative to children.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-1-102(1)(A)(i), is amended by deleting "amended petition" and substituting "amended or supplemental pleading".

SECTION 2. Tennessee Code Annotated, Section 36-1-111(p)(1), is amended by deleting the language "receipt of the surrender or upon".

SECTION 3. Tennessee Code Annotated, Section 36-1-113(d)(3)(A)(i), is amended by deleting "within ten (10) days" and substituting "within ten (10) working days".

SECTION 4. Tennessee Code Annotated, Section 36-1-116(b)(13)(A)(ii), is amended by deleting "immediately upon receipt by the petitioner" and substituting "immediately upon receipt by the petitioner and prior to finalization of the adoption unless waived by the court pursuant to subsection (d)".

SECTION 5. Tennessee Code Annotated, Section 36-1-117(i)(2), is amended by deleting the subdivision and substituting:

(2) If the child who is the subject of the adoption is mentally disabled and is fourteen (14) years of age or more at any time before the granting of the petition, then the court shall appoint a guardian ad litem to give or withhold consent for the child to the adoption, and the court shall follow the procedure of subdivisions (j)(2)(B) and (C).

SECTION 6. Tennessee Code Annotated, Section 36-1-122(b)(4), is amended by deleting "other biologically related person" and substituting "other related person".

SECTION 7. Tennessee Code Annotated, Section 37-1-102(b)(27)(B), is amended by deleting "opinion of qualified experts" and substituting "opinion of a qualified expert".

SECTION 8. Tennessee Code Annotated, Section 36-1-111(r)(4), is amended by deleting the subdivision and substituting:

(4) Upon the final hearing, and based upon clear and convincing evidence that the action is in the best interests of the child, if no other court is presently exercising adoption jurisdiction, then the surrender court has jurisdiction to enter an order removing the child from the prospective adoptive parents or other custodian or guardian of the child, and may award temporary legal custody giving any person, the department, or licensed child-placing agency, or a child-caring agency, the care and custody of the child as provided under § 37-1-140, or may enter a guardianship or partial guardianship order with the rights provided under this part, all subject to the rights of any remaining parent or guardian.

SECTION 9. Tennessee Code Annotated, Section 36-2-318(d)(1), is amended by deleting "Those persons" and substituting "Putative fathers".

SECTION 10. Tennessee Code Annotated, Section 36-2-318(d)(2), is amended by deleting "or biological".

SECTION 11. Tennessee Code Annotated, Section 36-2-318(i), is amended by deleting "person" wherever it appears and substituting "putative father" and by deleting "person's" and substituting "putative father's".

SECTION 12. Tennessee Code Annotated, Section 36-2-318(j), is amended by deleting "person" wherever it appears and substituting "putative father".

SECTION 13. Tennessee Code Annotated, Section 36-1-113(g)(11)(A)(ii), is amended by deleting "offenses towards" and substituting "offenses, or an offense under the laws of another state that is substantially similar, toward".

SECTION 14. Tennessee Code Annotated, Section 36-1-113(g)(12), is amended by adding ", or an offense under the laws of another state that is substantially similar" before the semicolon.

SECTION 15. Tennessee Code Annotated, Section 36-1-115, is amended by deleting subsection (f).

SECTION 16. Tennessee Code Annotated, Section 36-1-102(a)(1), is amended by adding the following as a new subdivision:

(L) If the original pleading is amended or supplemented to allege a new or additional period of abandonment occurring after an original pleading, then each period of abandonment constitutes an additional ground for the court's consideration. For purposes of calculating each period of abandonment, the filing date of the new or additional period is the filing date of the amended or supplemental pleading containing the allegation.

SECTION 17. This act takes effect upon becoming a law, the public welfare requiring it.